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May 22, 2019

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/23/2019

By ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

MEMORANDUM ENDORSED

Re: *United States v. Benjamin Chow*, 17 Cr. 667 (GHW)

Dear Judge Woods:

We write on behalf of our client, Benjamin Chow, to respectfully request an extension of time to file supplemental briefing related to the Court's restitution order. Dkt. 181. The additional time is necessary to allow Mr. Chow, who is currently in custody at Lompoc FCI, an opportunity to receive and review the Court's order and consult with counsel.

Yesterday, May 21, 2019, this Honorable Court issued a written order regarding Lattice's restitution claim. In a footnote, the Court noted that it did not calculate Lattice's losses within the 90-day period described in § 366(A)(d)(1)(5) and directed Mr. Chow to file any supplemental submission asserting actual prejudice within two days, no later than May 23, 2019. Mr. Chow's current custodial status prevents him from complying with the Court's deadline.

Mr. Chow surrendered to serve his three-month prison sentence at Lompoc FCI on May 15, 2019. While inmates are able to avail themselves of the CorrLinks system to communicate with family and counsel via email, it is not possible to attach files to such email communications. Likewise, those communications are not protected from scrutiny by BOP. This morning I sent an email via CorrLinks advising Mr. Chow of the Court's Order and the time constraints for filing any further submission. However, the only way to get a copy of the Court's Order to Mr. Chow is via the United States Postal Service. I cannot be sure when Mr. Chow will next have access to a computer in order to read my email. In undersigned counsel's experience with other clients currently incarcerated at Lompoc, the delivery of even clearly marked legal mail has been delayed as long as two weeks. It is also possible to arrange for brief legal calls with inmates, but again, such requests typically require two-weeks' notice and must be made through an inmate's assigned counselor. Having arrived at Lompoc just a week ago, Mr. Chow has yet to meet with his counselor or case manager, which is not unusual.

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Mr. Chow therefore seeks a 30-day extension to ensure that he has sufficient time to receive, review, and analyze the Court's order and confer with counsel before he makes a determination whether or not to file a supplemental submission. I believe that this additional time is necessary for me to exercise my obligation to provide Mr. Chow with effective legal representation.

Respectfully submitted,

/s/ Miranda Kane
Miranda Kane

cc: All counsel of record by ECF

Application granted. The deadline for Mr. Chow to submit a supplemental submission, if any, is extended to June 24, 2019. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 182.

SO ORDERED.

Dated: May 23, 2019
New York, New York



GREGORY H. WOODS
United States District Judge